



DEPARTMENT OF THE ARMY

US Army Criminal Investigation Command
Fort Drum CID Office
10705 South Riva Ridge Lp
Fort Drum, New York, 13602-5013

WC37AA

2019/11/06

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Law Enforcement Report - SIR (Category 1)/Final (C) - 00051-2019-CID452-001575-5H1/ 9J

1. Offense: Murder (UCMJ - Article 118)

2. Dates/Times/Locations of Occurrences: 0001, 01 Nov 09 - 1159, 30 Nov 09; Village of Kamdesh Nuristan Province, Kamdesh, Afghanistan

3. Date/Time Reported: 1000, 05 Feb 19

4. Investigated By: SA (b)(6) (b)(7)(C) SA (b)(6) (b)(7)(C)

5. Subjects/Suspects (b)(6) (b)(7)(C) SSG; XXX-XX (b)(6) (b)(7)(C) Male; White; A Company, 1-32nd Infantry Regiment, 1st Brigade Combat Team, Fort Drum, NY, 13602; FC; [Murder]

6. Victims:

a. UNKNOWN - 10605814; [Murder]

b. UNKNOWN - 10605815; [Murder]

7. Report Summary:

This office was notified by Mrs. (b)(6) (b)(7)(C) District Attorney (DA) and Ms. (b)(6) (b)(7)(C) Assistant District Attorney (ADA), Jefferson County, NY 13601 (JFCO) that SSG (b)(6) (b)(7)(C) possibly committed war crimes.

The New York State Police collected a journal from SSG (b)(6) (b)(7)(C) residence during the course of a previous murder investigation (LER# 00284-17-CID452) wherein SSG (b)(6) (b)(7)(C) murdered his wife and a New York State Trooper. A review of the journal by the

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DAs office revealed entries by SSG (b)(6) (b)(7)(C) which detailed his on and off again guilt about killing an Afghan male civilian and a young Afghan boy while deployed. The entries by SSG (b)(6) (b)(7)(C) detailed the specific rounds and manner in which he deployed them to murder the two. The entries also indicated a (b)(6) (b)(7)(C) was also involved in deploying rounds, however did not contribute to the deaths.

Multiple service members who deployed with SSG (b)(6) (b)(7)(C) in 2009 were interviewed; however, none were able to corroborate the events described in SSG (b)(6) (b)(7)(C) journal occurred. No historical files were uncovered during the investigation which would have substantiated SSG (b)(6) (b)(7)(C) account of murdering two Afghan civilians.

SSG (b)(6) (b)(7)(C) was interviewed at the Elmira Correctional Facility, Elmira, NY, wherein he stated he fabricated the story of murdering the Afghan civilians which he indicated was derived from a vivid dream he had multiple times.

Legal Coordination: This is not a prosecutorial decision. For the purposes of fingerprint card submission (DODI 5505.11), CODIS sample submission (DODI 5505.14), and DIBRS indexing (DODI 7730.47), on 25 Oct 19, CPT (b)(6) (b)(7)(C) Trial Counsel, Office of the Staff Judge Advocate, FDNY, opined there was no probable cause to believe the offense of Murder was committed. No additional investigative efforts are required. For additional details concerning the no probable cause opinion coordinate with the supporting Trial Counsel.

Exhibits:

a. Attached:

- (1) Agent's Investigation Report (AIR) of SA (b)(6) (b)(7)(C) 25 Feb 19.
- (2) Copies of journal excerpts from (b)(6) (b)(7)(C) notebook.
- (3) Declassified areal images and timeline of COP Keating, 3 Oct 09.
- (4) AIR of SA (b)(6) (b)(7)(C) 29 Mar 19.

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(5) AIR of SA (b)(6) (b)(7)(C) 24 Apr 19.

(6) Disc containing recorded interview of SSG (b)(6) (b)(7)(C) 24 Apr 19.

(7) Picture depicting 1st Platoon, Combat Company, 1-32, 3 BCT, 10th Mountain Division, Fort Drum, NY.

(8) AIR of SA (b)(6) (b)(7)(C) 15 May 19.

(9) AIR of SA 25 Jun 19.

(10) AIR of SA (b)(6) (b)(7)(C) 12 Jul 19.

(11) AIR of SA 20 Aug 19.

(12) Non-Waiver Certificate of SSG (b)(6) (b)(7)(C) 20 Aug 19.

(13) Disc containing recorded interview of SSG (b)(6) (b)(7)(C) 20 Aug 19.

(14) AIR of SA (b)(6) (b)(7)(C) 9 Sep 19.

(15) Waiver certificate of SSG (b)(6) (b)(7)(C) 9 Sep 19.

(16) Disc containing recorded interview of SS (b)(6) (b)(7)(C) 9 Sep 19.

(17) Copy of Probable Cause Opinion Memorandum, 28 Oct 19.

(18) Evidence/Property Custody Documents (EPCD), Document Number: 014-19.

b. Not Attached: None.

CID Law Enforcement Reports may be subject to a Quality Assurance Review by CID higher headquarters.

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8. Unique Circumstances:

War Crimes [9J]

Victim: N/A

Subject: N/A

Relationship: N/A

Commanders are reminded of the provisions of AR 600-8-2 pertaining to suspension of favorable personnel actions and AR 380-67 for the suspension of security clearances of persons under investigation. Army Law Enforcement reports are exempt from automatic termination of protective markings IAW Chapter 3, AR 25-55. IAW AR 25-22, AR190-45, and DODM 5400.07, information contained in this report is law enforcement sensitive, confidential and private in nature, and any further distribution (forwarding to unauthorized personnel) without the authorization of the Provost Marshal General will be in violation of the UCMJ and USC.

Report Prepared By

Report Approved By

Special Agent (b)(6) (b)(7)(C)

Special Agent in Charge (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C)

Signature Authority

DISTRIBUTION:

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CASE HISTORY:

00051-2019-CID452-001575